

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

D&M FARMS, MARK HASTY, and  
DUSTIN LAND, individually and on behalf  
of all others similarly situated,

Plaintiffs,

v.

BIRDSONG CORPORATION and  
GOLDEN PEANUT COMPANY, LLC,

Defendants.

Case No. 2:19-cv-463-HCM-LRL

**MOTION TO DISMISS**

Defendant Birdsong Corporation (“Birdsong”), by counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, moves to dismiss the Complaint, and all claims for relief therein against Birdsong, for failure to state a claim upon which relief can be granted, for all of the reasons set forth in the accompanying Memorandum.

WHEREFORE, Birdsong respectfully requests that the Court grant its Motion to Dismiss, dismiss the Complaint, and all claims for relief asserted against Birdsong, with prejudice, and grant such other relief as the Court deems appropriate.

**BIRDSONG CORPORATION**

/s/ Stephen E. Noona

Stephen E. Noona (VSB No. 25367)  
Patrick H. O'Donnell (VSB No. 29637)  
Kristan B. Burch (VSB No. 42640)  
Clark J. Belote (VSB No. 87310)  
KAUFMAN & CANOLES, P.C.  
150 W. Main Street, Suite 2100  
Norfolk, VA 23510-1665  
Telephone: (757) 624-3000  
Facsimile: (888) 360-9092  
[senoona@kaufcan.com](mailto:senoona@kaufcan.com)  
[phodonell@kaufcan.com](mailto:phodonell@kaufcan.com)  
[kbburch@kaufcan.com](mailto:kbburch@kaufcan.com)  
[cjbelote@kaufcan.com](mailto:cjbelote@kaufcan.com)

*Counsel for Birdsong Corporation*

Thomas W. Craddock, Esq.  
MCGUIRE, CRADDOCK & STROTHER, P.C.  
2501 N. Harwood, Suite 1800  
Dallas, TX 75201  
Telephone: (214) 954-6834  
Fax: (214) 954-6868  
[tcraddock@mclaw.com](mailto:tcraddock@mclaw.com)  
*(Pro hac vice pending)*

*Counsel for Birdsong Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 21, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will automatically email notification of such filing to all counsel of record who have made a formal appearance.

*/s/ Stephen E. Noona*

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Facsimile: (888) 360-9092  
[senoona@kaufcan.com](mailto:senoona@kaufcan.com)  
[phodonnell@kaufcan.com](mailto:phodonnell@kaufcan.com)  
[kbburch@kaufcan.com](mailto:kbburch@kaufcan.com)  
[cjbelote@kaufcan.com](mailto:cjbelote@kaufcan.com)

*Counsel for Birdsong Corporation*